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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/650,095	08/26/2003	Bob Cohn	3998355-141582	5894

23570 7590 01/14/2005

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EXAMINER

DAVIS, CASSANDRA HOPE

ART UNIT PAPER NUMBER

3611

DATE MAILED: 01/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/650,095

Applicant(s)

COHN, BOB

Examiner

Cassandra Davis

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17, 23 and 24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-15, 23 and 24 is/are rejected.
- 7) ☒ Claim(s) 5 and 16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 4, 7-9, 12, 13, 15, 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stuart, U. S. Patent 5,284,365 in view of Sniderman, U. S. Patent 6,265,035.

With respect to claim 1 and 12, Stuart teaches a greeting card with and ornament for attachment to a Christmas tree. The ornament comprises a support member (Christmas tree); a plaque (support assembly 44) including a plate member (support member 54) and an adhesive layer (64) on a side of the plate member 54 for adhering the picture (message insert 42) to the plate member 54; and elastic loop or string 63 for hanging the ornament on the Christmas tree.

Stuart does not teach the ornament having a swivel hanging means.

Sniderman teaches a Christmas tree ornament hung from the Christmas tree using string, elastic cord, rubber band, small swivel hooks, etc. (See column 3, lines 1-5). It would have been obvious to one having ordinary skill in the art at the time this invention was made to construct the ornament taught by Stuart with a swivel hook as taught by Sniderman to provide a means so that the ornament can pivot freely.

With respect to claims 13 and 2, the plaque 44 taught by Stuart includes an adhesive layer 64 opposed sides of the plaque member for adhering another a first and second picture 42. (See figures 4-5, column 5, lines 8-40 and claim 22)

With respect to claim 4 and 15, Stuart teaches the plate member can be comprised of a magnetic material. (See column 4, lines 46-53).

With respect to claim 7, Stuart teaches the support member has an inclined vertical member 62 for supporting the ornament on a tabletop. (See column 4, lines 63-68).

With respect to claim 8, Both Stuart and Sniderman teach the support member (Christmas tree) is adapted to support a plurality of ornaments.

With respect to claim 9, Sniderman teaches the swivel hook.

With respect to claims 23 and 24, Stuart teaches release layers 68 covering the adhesive layer.

3. Claims 1, 2, 4, 7-9, 12, 13, 15, 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stuart in view of Miller.

Stuart does not teach the ornament having a swivel hanging means.

Miller teaches a Christmas tree ornament swivel barrel type hook. (See figures 1-7). It would have been obvious to one having ordinary skill in the art at the time this invention was made to construct the ornament taught by Stuart with a swivel hook as taught by Miller to provide a means so that the ornament can pivot freely.

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With respect to claims 13 and 2, the plaque 44 taught by Stuart includes an adhesive layer 64 opposed sides of the plaque member for adhering another a first and second picture 42. (See figures 4-5, column 5, lines 8-40 and claim 22)

With respect to claim 4 and 15, Stuart teaches the plate member can be comprised of a magnetic material. (See column 4, lines 46-53).

With respect to claim 7, Stuart teaches the support member has an inclined vertical member 62 for supporting the ornament on a tabletop. (See column 4, lines 63-68).

With respect to claim 8, Stuart teaches the support member (Christmas tree) is adapted to support a plurality of ornaments.

With respect to claims 6, 9, and 17, Miller teaches the barrel type swivel hook.

With respect to claims 23 and 24, Stuart teaches release layers 68 covering the adhesive layer.

With respect to claim 3 and 14, since the applicant does not disclose that constructing the plate member of paperboard material solves any stated problem or is for any particular purpose, it appears that construct the plate member of any suitable material as taught by Stuart would perform equally well in retaining the two picture on the opposite side thereof.

Claims 1, 12, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stuart in view of Ellison, U. S. Patent 6,230,425. Ellison teaches an ornament greeting card comprising an ornament with attachment means 4 and suction cup for attaching the ornament to a support surface such as a window. The ornament can be

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attached to windows or vertical surfaces by means of attachment means such as suction cups, releasable adhesive, permanent adhesive, hooks, a refrigerator magnet, etc. It would have been obvious to one having ordinary skill in the art at the time this invention was made to support the ornament taught by Stuart upon a magnetic attachment device secured to vertical support surface as taught by Ellison to provide a means to removably attach the ornament against a metallic surface.

Allowable Subject Matter

4. Claims 5 and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

5. Applicant's arguments with respect to claims 1 and 12 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Juern, U. S. Patent 6,775,939 and Kirkman, U. S. Patent 3,030,718 are cited to show double-sided display suspended by a swivel hook.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cassandra Davis whose telephone number is 703-308-2223. The examiner can normally be reached on Monday-Friday 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 703-308-0629. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Cassandra Davis
Primary Examiner
Art Unit 3611

CD
January 10, 2005